

05.14.01

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05/11/01

Jc928 U.S. PTO

**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
0701.113C

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

S-LANSOPRAZOLE COMPOSITIONS AND METHODS

and invented by:

Barberich et al.J1046 U.S. PTO
09/854065

05/11/01

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/240,262

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 22 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☐ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☐ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal Number of Sheets _____
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy) ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy (identical to computer copy)
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EL811838225US

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(Large Entity)

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Docket No.
0701.113C

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☒ Additional Enclosures *(please identify below):*

Copy of Supplemental Declaration from Prior Application
Copy of Information Disclosure Citation from Prior Application
Copy of Supplemental Information Disclosure Citation from Prior Application
Copy of Request for Extension of Time from Prior Application
Patent Application Bibliographic Data

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

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Docket No.
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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	17	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$80.00	\$80.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$790.00

- ☒ A check in the amount of \$790.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 08-1935 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Candice J. Clement
Signature

Candice J. Clement, Esq.
Reg. No. 39,946
Customer No.:

Dated: May 11, 2001

CC:



23405

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Applicants: BARBERICH *et al.*

Title: S-LANSOPRAZOLE COMPOSITIONS AND METHODS

Attorney Docket No.: 0701.113C

"EXPRESS MAIL" Mailing Label No.: EL811838225US

Date of Deposit: May 11, 2001

Enclosed are:

- * Utility Patent Application Transmittal Letter-Large Entity (in duplicate)
- * Copy of Specification from Prior Application (22 pages)
- * Preliminary Amendment, with Clean Version of Pending Claims and Version Showing Changes Made (6 pages)
- * Copy of Declaration and Power of Attorney from Prior Application
- * Copy of Declaration from Prior Application
- * Copy of Information Disclosure Citation from Prior Application
- * Copy of Supplemental Information Disclosure Citation from Prior Application
- * Copy of Request for Extension of Time from Prior Application
- * Patent Application Bibliographic Data
- * Check for \$790.00 (Total Filing Fee)
- * One Postcard

37 CFR 1.10 Certification

I hereby certify that this paper and the indicated enclosures are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Christine M. Adkins

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Barberich *et al.*

Serial No.: 09/240,262

Filed: January 29, 1999

Atty Dkt: 0701.113B

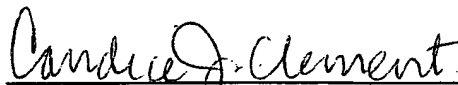
Group Art Unit: 1625

Examiner: Rotman, A.

Title: S-LANSOPRAZOLE
COMPOSITIONS AND
METHODS

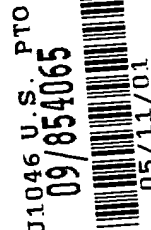
Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231, on May 11, 2001.



Candice J. Clement
Attorney for Applicants
Reg. No. 39,946

Date of Signature: May 11, 2001



Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

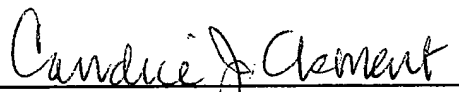
REQUEST FOR EXTENSION OF TIME UNDER 37 CFR §1.136(a)

Dear Sir:

Applicants hereby request an extension of three (3) months for filing a Response to an Office Action mailed November 13, 2000. A check in the amount of \$890.00 to cover this request is enclosed. The Commissioner is hereby authorized to charge any deficiency in payment or to credit any overpayment to Deposit Account 08-1935. As response to the Office Action, Applicants have filed a continuation application under 37 CFR §1.53(b) (Atty Dkt. 0701.113C).

Respectfully submitted,

Date: May 11, 2001



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